

EF

Notice of Allowability

Application No.

10/848,810

Examiner

Michael Rutland-Wallis

Applicant(s)

EMMERLING ET AL.

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/10/2006.
2. ☒ The allowed claim(s) is/are 1-20. ✓
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

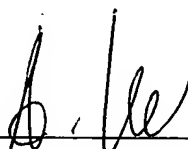
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |



**ANATOLY VORTMAN
PRIMARY EXAMINER**

DETAILED ACTION

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment, which places this application in condition for allowance. During a telephone conversation conducted on November 20, 2006, Andreas Grubert (Reg. No. 59,143) requested an extension of time for 2 MONTHS and authorized the Director to charge Deposit Account No. 50-2148 the required fee of \$450.00 for this extension and authorized the following examiner's amendment.

Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 10,

line 12 - - ((c) depending on the comparison in Step (b)
determining a correct access authorization, a fault in the energy
supply or the first line, or an external manipulation of the
identification device holder;) - - has been added after the term
"network;"

line 13 - - ((c)) has been changed to - - (d) - -

In claim 11,

line 2 - - ((d)) has been changed to - - (e) - -

In claim 12,

line 2 - - ((e)) has been changed to - - (f) - -

Response to Arguments

Applicant's response to the drawing objections is fully responsive and therefore the previous drawing objections are hereby withdrawn.

Applicant's arguments, filed 10/10/2006, have been fully considered and are persuasive. The previous rejection has been withdrawn.

Allowable Subject Matter

Claims 1-20 are allowed. The following is an examiner's statement of reasons for allowance: Janssen teaches a device for protecting a motor vehicle against theft,

comprising: an Identification device holder (item 30) which is connected via a first line to an energy supply (5 volts see Fig. 7) and comprises a first switch (item 31), a resistance network (item 41) arranged in the first line of which the elements comprise a defined resistance encoding (column 7 lines 25-35), and a control unit (item 46 also taught to be a microcontroller see column 7 lines 35-45) arranged in a motor vehicle, which comprises a diagnosis and evaluation unit which is connected to at least one tap (item 51) of the resistance network and which, evaluates the voltage drops over the elements of the resistance network. Janssen does not teach the use of the second switch to enable the measurements of the resistor values, not does Janssen teach depending on the position of a second switch determining a distinction between a correct Access authorization, a fault in the energy supply or the first line, and/or an external manipulation of the identification device holder. At least these further limitations to claims 1, 10 and 13 are not taught or rendered obvious by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-


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272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRW

A handwritten signature in black ink, appearing to read 'A. Vortman', with a long horizontal stroke extending to the right.

**ANATOLY VORTMAN
PRIMARY EXAMINER**